



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 323	Assembly Substitute Amendment 2, Assembly Amendment 1 to the Substitute Amendment, and Senate Amendment 1
<i>Memo published: January 21, 2004</i>	<i>Contact: Rachel E. Letzing, Staff Attorney (266-3370) David L. Lovell, Senior Analyst (266-1537)</i>

2003 Assembly Bill 323 makes numerous changes to the Managed Forest Law (MFL) program.

Assembly Substitute Amendment 2

Assembly Substitute Amendment 2 makes the following changes to the bill:

1. Removes the provision in the bill directing the Department of Natural Resources (DNR) to establish a program to award grants to local units of government and nonprofit conservation organizations to acquire land to be used for nature-based outdoor recreation, and the provision directing the deposit of the MFL closed acreage fees to a DNR appropriation to fund the grants. Under the substitute amendment, beginning on July 1, 2005, all fees paid for closing MFL lands to public access would be retained by the county where the land is located.
2. Authorizes a state forest ranger, town chairperson, conservation warden, or other duly appointed deputy to arrest a person, with or without a warrant, when a person is detected actually committing, or has reason to believe has committed, a violation under the MFL program.
3. Expands the eligibility for participation in the MFL program to land located in cities.
4. Creates a DNR appropriation to pay for MFL management plans prepared by plan writers under contract with the DNR. Under the bill and the substitute amendment, the fee for filing a petition to enroll in the MFL program without a management plan, to convert land in the Forest Cropland Program to the MFL program, and to renew an MFL order is increased from \$100 to \$300. A portion of this fee is deposited to a DNR appropriation used to pay recording fees (\$20 under the bill and the substitute amendment). Under the substitute

amendment, the remaining portion of the fee (\$280), plus a portion of the fee DNR assesses petitioners who submit petitions with management plans that are not initially approved by DNR, must be used to fund the new appropriation.

5. Specifies that landowners with property enrolled in the MFL program on or after the effective date of the bill may petition DNR to include additional acreage under their MFL agreement if the additional parcel of land is in the same municipality, is at least three acres in size, and is contiguous to the owner's land. The substitute amendment creates an alternative procedure for landowners with property enrolled in the MFL program before the effective date of the bill to designate additional land as managed forest land. Under this procedure, if an owner of land under an existing MFL agreement wants to add an additional parcel of land that is at least 10 acres in size and that satisfies the eligibility requirements for MFL designation under current law, the owner may petition the DNR for a new order covering the additional land. However, if the additional land: (a) is in the same municipality as the owner's designated land; (b) is at least three acres in size; (c) does not satisfy MFL eligibility requirements; and (d) is contiguous to any of the owner's designated land, the owner may withdraw the designated land (covered by an existing MFL agreement) from the program and petition the DNR for a new order covering both the withdrawn land and the additional land.
6. Changes the deadlines for MFL program applications and approvals. Under the substitute amendment, if an MFL petition is received on or before March 31 from a petitioner who owns 1,000 acres or more, the DNR must approve or deny the petition on or before the following November 21. If a petition from a person who owns less than 1,000 acres is received on or before July 1, the DNR must approve or deny the petition before November 21 of the year following the year in which the petition was received (seven months longer than current law). Beginning on the first day of the 19th month after publication, the substitute amendment provides an exception to the longer timeframe for certain petitions with less than 1,000 acres. If a draft management plan prepared by a certified plan writer is submitted before the deadline established by DNR, and the petition from a person who owns less than 1,000 acres is received on or before May 15 and includes a completed management plan, the DNR must either approve or deny the petition before the following November 21.
7. Changes the deadlines for MFL renewal petitions and approvals. Renewal petitions from owners of 1,000 acres or more must be filed no later than the March 31 before the expiration date of the MFL agreement. Landowners with less than 1,000 acres in the program must file renewal petitions no later than the second July 1 before the expiration date of the MFL agreement. Beginning on the first day of the 19th month after publication, the substitute amendment provides a different timeframe for certain renewal petitions with less than 1,000 acres. If a draft management plan prepared by a certified plan writer is submitted before the deadline established by DNR and the petition for renewal of less than 1,000 acres is received on or before May 15 and includes a completed management plan, the DNR must either approve or deny the petition before the following November 21.
8. Modifies the conditions under which a maximum of 160 acres of managed forest land within a municipality may be closed to public access. Under the substitute amendment, of the 160 acres that may be designated as closed, not more than 80 acres may be land designated as managed forest land before the effective date of the bill. This condition first applies to an

owner of land designated as managed forest land in an order that takes effect on the effective date of the bill.

9. Allows owners of land enrolled in the MFL program on or after the effective date of the bill to modify the designation of a closed or open area two times during the term of the agreement, rather than one time under the bill. Landowners enrolled in the MFL program before the effective date of the bill may modify the designation of a closed or open area two times before the expiration of the existing MFL agreement, instead of one time under the bill, regardless of whether the owner has previously modified the designation.
10. Authorizes owners of land enrolled in the MFL program before the effective date of the bill to make an annual acreage share payment of \$.74 per acre (adjusted every five years). For owners of land enrolled in the MFL program after the effective date of the bill, the annual acreage share payment for each acre of managed forest land is equal to 5% of the average statewide property tax per acre of property assessed as productive forest land (calculated every five years).
11. Authorizes owners of land enrolled in the MFL program before the effective date of the bill to pay, in addition to the annual acreage share payment, \$1 for each acre that is designated as closed (adjusted every five years). For landowners enrolled in the MFL program after the effective date of the bill, in addition to the annual acreage share payment, the fee for each acre of land designated as closed is equal to 20% of the average statewide property tax per acre of property assessed as productive forest land (calculated every five years).
12. Deletes the requirement that DNR remit to municipalities all revenues collected from the \$300 withdrawal fee created under the bill. Instead, the revenues generated by the fee are deposited in the forestry account of the conservation fund.
13. Provides that the change in the formula used to allocate revenue received from withdrawal and yield taxes between the DNR, municipalities, and counties will not be effective until July 1, 2004, instead of taking effect on the effective date of the bill. Beginning in July 2004, the substitute amendment deletes the portion of withdrawal taxes and yield taxes received by the DNR and instead distributes all revenues from these two taxes to municipalities (80%) and counties (20%).

Assembly Amendment 1 to Assembly Substitute Amendment 2

As described in Item 1. under the preceding heading, the substitute amendment requires that, beginning on July 1, 2005, all fees paid on MFL lands closed to public access would be retained by the county where the land is located.

Assembly Amendment 1 to Assembly Substitute Amendment 2 deletes this provision and instead requires that, beginning on the effective date of the bill, the municipality in which the closed land is located will retain 80% of the payments and the county will receive 20%.

Senate Amendment 1

Senate Amendment 1 restores some of the language affected by Assembly Amendment 1. The result is that, from the effective date of the bill until July 1, 2005, all fees paid on MFL lands closed to public access will be paid to the DNR, for deposit in the Conservation Fund for land acquisition and resource management activities, as under current law. Beginning on July 1, 2005, the municipality in which the closed land is located will retain 80% of the payments and the county will receive 20%.

Legislative History

Assembly Action

On November 12, 2003, the Assembly took the following action on the above amendments:

Assembly Amendment 1 to Assembly Substitute Amendment 2, which was offered by Representatives Friske and Hubler, was adopted on a voice vote.

Assembly Substitute Amendment 2, which was offered by the Joint Committee on Finance, was adopted on a voice vote.

Also on November 12, the Assembly passed the bill, as amended, on a vote of Ayes, 91; Noes, 5.

Senate Action

On January 13, 2004, the Senate Committee on Agriculture, Financial Institutions, and Insurance introduced Senate Amendment 1 and recommended concurrence in the bill, as amended, on votes of Ayes 5; Noes 0.

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